

## REMARKS

The present invention relates to compositions and methods for the use of insulin-like growth factor to enhance muscle mass and strength.

Claims 1-24 are pending in the present application. Claims 1-6 and 24 have been canceled herein. Therefore, upon entry of the instant Amendment, claims 7-18 and 23 are currently pending. Specifically, claim 13 has been amended per the Examiner's suggestion, and claim 23 has been amended merely to place claim 23 in independent form in view of the cancellation of claim 1.

Applicants are pleased to acknowledge that on page 1 of the present Office Action, the Examiner has deemed claims 7-12, 16, 18 and 23 allowable.

### Objections to Drawings

Figures 1-3 and 5 have been objected by the Examiner for informalities as set forth on the Notice of Draftsperson's Patent Drawing Review (PTO-948). Specifically, figures 1, 2A and 5 have been objected for having poor quality tone; figures 2A and 3 have been objected for not having acceptable margins; figures 1-3 have been objected for having lines, numbers, and letters that are poor in quality and that are not legible. Accordingly, Applicants respectfully submit herewith five (5) sheets of amended drawings corresponding to figures 1-3 and 5. The amended drawings merely reflect corrections to the informalities, and thus no new matter has been added by way of these amendments.

### Rejection of claims 13-15 and 17 under 35 U.S.C. §112, second paragraph

Claims 13-15 and 17 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner asserts that claim 13 is indefinite in its recitation of "said isolated nucleic acid of claim 12" because the phrase lacks antecedent basis, and that claims 14, 15 and 17 are indefinite in so far as that they depend from claim 13. Accordingly, Applicants have amended claim 13 to recite the phrase "the isolated nucleic acid of claim 12," as suggested by the Examiner on page 3 of the present Office Action.

Therefore, Applicants respectfully submit that claims 13-15 and 17 as amended are not indefinite, and hereby request that the rejection under 35 U.S.C. §112, second paragraph be reconsidered and withdrawn.

Rejection of claims 1-4 and 24 under 35 U.S.C. §102(e)

Claims 1-4 and 24 stand rejected under 35 U.S.C. §102(e) as being anticipated by US 2003/0018984 A1 (Coleman et al.; published January 23, 2003; priority to December 2, 1996). Applicants, while not necessarily agreeing with the Examiner's reasoning, but rather in a good faith effort to expedite the prosecution of the present application, have cancelled claims 1-4 and 24 herein. This rejection is rendered moot in view of the amendments to the claims.

Rejection of claims 5 and 6 under 35 U.S.C. §103(a)

Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US 2003/0018984 A1 and Xiao et al. (1996, J. Virol. 70: 8098-8108). Applicants, while not necessarily agreeing with the Examiner's reasoning, but rather in a good faith effort to expedite the prosecution of the present application, have cancelled claims 5 and 6 herein. This rejection is rendered moot in view to the amendments of the claims.

Amendment to claim 23

Claim 23 has been deemed allowable in page 1 by the Examiner in the present Office Action (Paper No. 15). In view of the cancellation of claim 1 herein, Applicants have amended claim 23 to incorporate the substance of claim 1 into claim 23, and thereby rendering claim 23 independent. No new matter has been added by way of the present amendment. Accordingly, Applicants respectfully submit that claim 23, as amended herein, is in condition for allowance.

Summary

Applicants respectfully submit that each rejection of the Examiner to the claims of the present application has been overcome or rendered moot, and that each of claims 7-18 and 23 is in condition for allowance. Such allowance is requested at the earliest possible date.

Respectfully submitted,


**SWEENEY, ET AL.**

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(Date)

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Enclosure:  Petition for a one-month extension of time and accompanying fee

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